

Attorney Docket Number: FSP0359
Title: provide set top box configuration for content on demand
Application Number: 10/579,097

REMARKS

The Applicant thanks the Examiner for examination of this application. This is a response to the office action mailed on October 16, 2009. The office action is made final, but the Applicant strongly believes the finality of the office action should be reversed and the claims allowed. Reasons for this belief are set forth, infra.

35 U.S.C. 102(e)

Claims 6, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by US PG Pub 2006/0271973 to Jerding et al (hereafter referenced as Jerding).

composing a service group identifier into the audio and/or video stream format

The finality of this rejection with regard to claims 6 and 7 should be withdrawn at least because the clear language of Jerding does not describe composing a service group identifier into the audio and/or video stream format. The Examiner cites Par 36 : “the DNCS uses a data insertion multiplexer and a data QAM to insert data into an MPEG-2 TS”. But Jerding is merely describing the construction of an MPEG stream with BFS data (Broadcast File System) data. The BFS data does not include a service group identifier; it is a catalog of available content titles or it is executable code. Par 90 : “Each MOD application client, upon determining that a new catalog or an updated version is available, uses the BFS client 43 (FIG. 3) in the DHCT 16 to download the files and store them in the MOD application client 65 database (not shown).”

The Examiner therefore has not cited an instance where Jerding describes “composing a service group identifier into the audio and/or video stream format”. The rejection 102(e) rejection therefore cannot stand and should be withdrawn.

service nodes composing a service group identifier into the audio and/or video stream format

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The finality of this rejection with regard to claims 6 and 7 should be withdrawn at least because the clear language of Jerding does not describe the service nodes 24 composing a service group id into an A/V stream format. Even assuming the BFS data comprises a service group id (the Applicant disagrees, *supra*), it is not the service groups 24 but rather the mux 29 and QAM 30 that compose the BFS data into the stream and communicate it over the network. Par 36 : “The DNCS 23 uses a data insertion multiplexor 29 and a data QAM 30 to insert the in-band BFS data into an MPEG-2 transport stream.” These components 29, 30 are not shown as being part of any service group 24, nor is the insertion of this data directed by a service group 24 (it is directed by the DNCS 23). FIG 2.

communicating the service group identifier to a plurality of set top boxes

The finality of this rejection with regard to claims 6 and 7 should be withdrawn at least because the clear language of Jerding does not describe communicating a service group identifier to a plurality of set top boxes. The BFS data does not include a service group identifier (*supra*). The Examiner says that the DNCS 23 defines a resource descriptor for requesting resources in a session, and this resource descriptor contains a transport stream id field that identifies the QAM modulator within the service group that is transmitting the service.

The Applicant does not disagree that Jerding says this but disputes that (1) the service descriptor is composed into an A/V stream by a service group, (2) the service descriptor is communicated to a plurality of set top boxes, and (3) that the transport stream id is a service group identifier.

Jerdig says, “The DSM-CC session manager also defines a resource descriptor structure, which is used to request the network resources within a session.” Par 36. The resource descriptor identifies the MPEG program for the requested service, the QAM that will deliver the service, and the bandwidth : “This resource descriptor identifies the MPEG Program that is carrying the service and used by the network to determine which program from the transport stream to route to the DHCT 16... The transport stream ID identifies the QAM modulator in **service group 24** (FIG. 2) that is transmitting a service.

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This transport stream ID is assigned by a network operator (not shown) when a new QAM 24 is installed. The downstream bandwidth resource descriptor identifies, in bits per second, the bandwidth at which a service will be delivered.” Par 61.

Regarding (1), Jerding does not describe the resource descriptor is composed into an A/V stream. Jerding does not describe the resource descriptor is part of the BFS data. Jerding says “The DNCS 23 sends the ClientSessionSetupConfirm message 102 to the DHCT 16 that contains the resource descriptors (not shown) needed by the DHCT 16 to receive the requested service.” The ClientSessionSetupConfirm message 102 is not part of the data composed into an MPEG stream. Regarding (2), Jerding does not describe the resource descriptor with the transport id is communicated to multiple DHCT 16. The Examiner is perhaps implying that it is because Jerding says “The resource descriptor, “TSDownstreamBandwidth,” contains a transport stream ID field and a bandwidth field.” Par 61. But there is nothing in Jerding to suggest the TSDownstreamBandwidth descriptor is ever sent to the DHCT 16. Jerding says “The transport stream ID identifies the physical connection from the MOD application server 19 to the network 18.” Par 60. The DHCT 16 does not need this information; Jerding teaches this information is used by the MOD server 19. Jerding describes most resource requests including resource descriptors are exchanged between the VoD server and the DNCS (FIG 4E). The Examiner has failed to establish that the TSDownstreamBandwidth descriptor is sent to the DHCT or why the DHCT necessarily need to receive this descriptor; in fact Jerding teaches away from any such implication. Regarding (3), Jerding says “The transport stream ID identifies the QAM modulator in **service group 24** (FIG. 2) that is transmitting a service”, which is saying the transport stream ID identifies a modulator in a group but not the service group as a whole.

The finality of this rejection with regard to claim 10 should be withdrawn at least for the reasons given for claim 6. Furthermore claim 10 recites, *inter alia*, logic to receive from a set top box a request for an audio and/or video stream, the request comprising the service group identifier communicated to the set top box and an identifier of a title of the audio and/or video stream. Jerding does not teach or suggest this feature. Jerding does not

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teach the service group identifier in the stream (see comments for claim 6). Jerding does not teach a stream request from a set top box that includes the service group id inserted into a stream by a service node. Jerding describes a MOD descriptor that includes a transport stream ID that is a QAM id within a service group. The transport stream ID is assigned by the network operator when the QAM is installed. Par 61. The transport stream ID is not a service node id. It is the id of a particular QAM. Par 61. Even so, there is no teaching or suggestion that the transport stream ID is inserted into a stream by a service node and communicated to the set top. There is no suggestion that the transport stream ID is included in a stream request from the set top.

35 U.S.C. 103(a)

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding in view of US PG Pub 2007/0130583 to Thiagarajan et al (hereafter referenced as Thiagarajan).

The finality of the rejection regarding claims 8 and 9 should be withdrawn at least for the reasons provided for the respective base claims, *supra*.

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Conclusion

The claims are patentably distinguished over the cited references, along or together, for at least the reasons presented in these remarks. The finality of the office action should be withdrawn and all claims should be allowed.

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